

<b>JOHN BLOOD,</b>	)	<b>AGBCA Nos. 2001-101-1</b>
	)	<b>2001-102-1</b>
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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	)	
<b>Representing the Government:</b>	)	
	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

**February 9, 2004**

**Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge POLLACK.**

These appeals arise out of Purchase Order No. 43-84N8-9-0134, between John Blood of Flagstaff, Arizona, and the U. S. Forest Service (FS), Ogden, Utah. Under the Purchase Order, Blood was to thin trees in various Ranger Districts under separate work orders. AGBCA No. 2001-101-1 involved denial of what appeared to be 11 separate claims as to location of the work; specifications; accessibility; flagging and determination of acreage; failure to mark a unit; greater compliance than contract dictated; lost salvage rights; and additional trips dealing with work performance. All involved work on the Heber Ranger District. The claim totaled in excess of \$68,000. AGBCA No. 2001-102-1 involved the termination for default of Blood on the Purchase Order for work performed at Cold Springs/Tim's Hole Tree Thinning. The Appellant timely appealed both decisions on October 6, 2000.

The Board has jurisdiction over these timely filed appeals pursuant to the Contract Disputes Act of 1978, 41 U.S.C. § 601-613, as amended (CDA).

Initially, the appeal was handled by the Appellant's principal, John Blood. Mr. Blood and the FS engaged in discovery; however, there were difficulties as to documentation of various cost issues. In July 2002, the Appellant secured counsel. Counsel informed the Board and counsel for the FS that he would be revising or amending the Complaint to better set out the dollars. Counsel did provide a revised complaint and thereafter the Board issued a Proof of Costs order to the parties. In addition, during that time frame, counsel for Appellant advised the Board of a potential new theory of relief, mistake in bid, which had not been earlier raised. In July 2003, after having submitted various documents supporting its costs, counsel for the FS advised the Board that the parties were close to settling the appeals. In September 2003, the Appellant notified the Board that the parties had settled the appeals and had executed a settlement agreement. The Appellant then stated that based upon the undertakings of the Government in the agreement, the Appellant moved that the Board dismiss the appeals with prejudice.

**DECISION**

Based on the parties having reached a settlement, the appeals are dismissed with prejudice.

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**HOWARD A. POLLACK**  
Administrative Judge

**Concurring:**

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**JOSEPH A. VERGILIO**  
Administrative Judge

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**ANNE W. WESTBROOK**  
Administrative Judge

**Issued at Washington, D.C.**  
**February 9, 2004**